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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,996	06/15/1999	HIROSHI UENO	Q054651	3606

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EXAMINER

KWOH, JASPER C

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 03/28/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/332,996

Applicant(s)

UENO, HIROSHI

Examiner

Jasper Kwoh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 241, 242, and 24n have been used to designate both cell monitors and cell filters. In fig. 6, cell monitors should be labeled as 261, 262, and 26n. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cell generation means disposed in the concentrators must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: page 2, lines 11-12, ATM network is 300 and is not "not shown"; page 15, line 7, "singaling" should be changed to signaling.

Appropriate correction is required.

6. The abstract of the disclosure is objected to because the abstract should be one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claims 1-10 are objected to because of the following informalities: in claim 1, lines 1-2, "a exchange" should be replaced with "an exchange" and "a concentrators" should be changed to "a concentrator"; the other occurrences of "said concentrators" need to also be replaced with "said concentrator" because the invention as claimed involves only one concentrator (i.e. figs. 1, 6). Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose the cell generation

means disposed in concentrator. It discloses that this means is located in the ATM exchange.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 6 recites the limitations "the concentrator, the subscriber network system, the exchange, the central station" in the preamble. There are insufficient antecedent basis for these limitations in the claim.

13. Claim 6 recites the limitation "the cell data" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 6 recites the limitation "said cell data" in line 6. It is unclear if that is referring to the cell data or the integrated cell data.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

16. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (US005568479A).

Regarding claims 1 and 6, Watanabe et al. discloses a method and subscriber system for setting information in a concentrator comprising an exchange (i.e. figs. 2 and 3; 8, 2, and 3 are located at in a host location which is equivalent to the exchange at the central station) and a concentrator located at a remote location (i.e. fig. 2; 4M, the misc. device performs the same function and is equivalent to the concentrator) including integrating setting information to be set in the concentrator in the cell data and sending the integrated cell data to said concentrator (i.e. figs. 14, 15 and 23, signal device sends control information which sets the parameters to establish the link at the remote device); and extracting said setting information in said cell data supplied from said exchange and rewriting setting information installed in said concentrator (i.e. figs. 2, 3, 6, 14 and 15, remote device will use the information and store in memory 42M to establish connection).

Regarding claims 2-3 and 7-8, Watanabe et al. discloses the sending and receiving of cell data bring carried out in an ATM (i.e. col. 1, ll. 47-54, col. 10, ll. 30-34, control information are ATM cells and the network is ATM exchange so cells exchanged are also in ATM); cell filter (fig. 4, 41-1,42-2); cell filter table wherein the content is

rewritten by setting the information extracted from cell filter (i.e. figs. 6-7, col. 10, ll. 50-66, the VCC 42M stores the connection information and the control cells has different overhead to identify the cells as not common cells, it is inherent that those information will be used by the VCC for control setup as later described in figs. 14-15).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4-5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. in view of Manning et al. (US 5,896,511).

Watanabe et al. discloses integrating setting information (i.e. fig. 2, ACK cell is returned to the exchange so the host will know of the current status of the network) and storing setting information extracted from the cell data (i.e. figs. 6-7, col. 10, ll. 50-66, the VCC 42M stores the connection information, and the control cells and common cells have different overhead to identify the cells, it is inherent that those information will need to be extracted from the ATM cells in order to be retrieved). Watanabe et al. does not specifically disclose the concentrator including a cell monitoring means for monitoring a flow rate; and a monitoring parameter table for storing the setting information. However, Manning et al. teaches cell monitoring means for monitoring a flow rate (i.e. fig. 2, 16; col. 10, ll. 43-52, data transferred is monitored using the counter and compared to the limit to ensure there is still bandwidth); and a monitoring parameter

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table for storing the setting information wherein content is rewritten (i.e. fig. 2 and 6B, col. 10, ll. 57-66, connection update record is the value of 38' and is stored in the table at the downstream element). Therefore, it would have been obvious for an ordinary person skilled in the art at the time of the invention to include a cell monitoring means for monitoring a flow rate and a monitoring parameter table for storing the setting information as taught by Manning et al. with the method and network of Watanabe et al. in order to provide accounting at a link level, otherwise known as link flow control. The motivation is to prevent congestion of the network to improve quality of service.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Takamichi (US006496513B1) is cited to show a traffic priority control system for a concentration-type ATM switch;
- b. Nakamichi et al (US006226265B1) is cited for packet flow monitor and control system;
- c. Greaves et al. (US006111858A) is cited to show a proxy-controlled ATM subnetwork;
- d. Shobatake (US005506847A) is cited to show an ATM-LAN system using broadcast channel for transferring link setting and chaining request; and
- e. Fried is cited to show a VLSI chip set for bust and fast ATM switching.

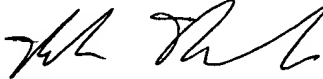
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


JK
March 21, 2003

Jasper Kwoh
Examiner
Art Unit 2663


MELVIN MARCELO
PRIMARY EXAMINER